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Letter dated 29 October 2004 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to the Accra III Agreement on Côte d'Ivoire concluded on 30 July 2004 in Accra, to the statement by the President of the Security Council of 5 August 2004 (S/PRST/2004/29) and to my letters dated 16 August 2004 (S/2004/667), 3 September 2004 (S/2004/716), 20 September 2004 (S/2004/748) and 6 October 2004 (S/2004/800) concerning the monitoring of the Agreement.

Please find attached the fifth report of the Tripartite Monitoring Group established under the Accra III Agreement, covering the period from 1 to 15 October 2004 (see annex).

I should be grateful if you would bring this letter and its annex to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

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Annex

Implementation of the Accra III Agreement

Fifth report of the Monitoring Group
Covering 1 to 15 October 2004

I. Overview

1. The present report is submitted pursuant to the Accra III Agreement of 30 July 2004 and covers major developments in the implementation of the Accra III Agreement since the last report of 30 September 2004.

2. During the period under review, the Ivorian peace process continued to face serious difficulties. The general security situation appeared calm in the South but tense in the North. All over the country, there was a growing ferment which fed into a prickly and volatile political situation due to the delay by the National Assembly to meet the deadline of 30 September for the passage of the relevant texts of legislation and what appeared early as yet another delay by the protagonists to meet the 15 October deadline for the start-up of the DDR process. Political debate continues to be marked by mutual apportioning of blame among political forces, in this case, the FPI and the Forces Nouvelles.

3. In the South, as the 15 October deadline approached, the threats of demonstrations and protests by militant groups heightened the feelings of anxiety among the population of an imminent confrontation. In the North, a widespread rumour and belief that the Impartial forces were going to launch forced disarmament on the Forces Nouvelles fuelled the mood and reactions of the local population. This led to demonstrations in Bouake, Korhogo, Seguela, Bouna on 7, 11 and 13 October. The demonstrations in Bouake of 11 October were the most serious as they led to violent attacks against ONUCI and LICORNE forces.

4. The meetings of the Quadripartite Committee and the dialogue with the President of the Republic resulted in some positive developments. The two military belligerents in their declaration of 11 October sent a positive and firm signal that the military have decided on the end to the war and were poised to embark on the DDR process. They left no doubt in their message inviting the Ivorian political actors to rally in support of their stance and to

follow in the dynamic to advance the peace process. The President's Address to the Nation on 12 October 2004 helped to calm tempers among those of his political sympathisers who were determined to take to the barricades over the refusal of the Forces Nouvelles to begin the disarmament process. Consequently, demonstrations planned by the Jeunes Patriotes and pro-FPI militants have been suspended for the time being. As the 15 October deadline passed, the feeling of unease persists. No violent reactions have thus far surfaced. All are looking round, awaiting to see what next move from which side can jump-start the stalled motor of the DDR process.

II. Salient developments in the peace process

Consultations on and preparations for DDR

5. On 4 October 2004, President Gbagbo held a meeting with senior officials from the Government including the Prime Minister, the Ministers of Defence and Internal Security, the President of the CNDDR, as well as the Chiefs of FANCI, the police and the Gendarmerie Nationale, to discuss the start of the DDR process. The military chiefs of LICORNE and ONUCI were present but not the Forces Nouvelles.

6. Given that some of the DDR sites are not ready for the start of the DDR process, the President offered to pay from public funds for the accommodation of ex-combatants in various hotels in the DDR locations throughout the country during the regrouping phase. The plans for starting the DDR process with a pilot programme in Bouna and Bondoukou in the eastern zone of the country were also discussed, as were the issues of identification, security auxiliaries and payments. It was agreed that the content of this meeting would be relayed to the Forces Nouvelles Secretary General by the Prime Minister. The President had said that he would like to meet with all the parties to discuss a realistic plan after the Yamoussoukro meeting between CNDDR and representatives of the FAFN and FANCI on DDR preparations. This meeting took place on 6 October 2004 and agreed on the following: i) the DDR should start effectively on 15 October with the first phase of the cantonment in the East (Bouna in Forces Nouvelles controlled zone and Bondoukou in Government-controlled zone), followed by the West (Man and Seguela in Forces Nouvelles controlled zone, Guiglo and Daloa in Government-controlled zone) and the Central zone (Bouake in

Forces Nouvelles controlled zone and Yamoussoukro in Government-controlled zone); ii) CNDDR undertook to rehabilitate the cantonment sites in Bouna and Bondoukou before 15 October 2004; iii) Identification of ex-combatants would be conducted during cantonment with the technical assistance of the Office of National Identification and the National Statistical Commission of Cote d'Ivoire.

7. The plans for the pilot programme in Bouna and Bondoukou have been drawn up. Given the relatively small scale of a DDR process in these locations (there are an estimated 800 combatants in Bouna and 900 in Bondoukou), preparing the sites and arranging the payments, should be less difficult than elsewhere. Given that staff has not been recruited for these two sites, it was agreed that the staff that has already been recruited for the sites in Bouake and Yamoussoukro would be relocated to the Bouna and Bondoukou sites. The Impartial forces, including CIVPOL, would assist with patrolling the sites to ensure their security and ONUCI and LICORNE forces would also start putting in place measures to secure collected weapons. CIVPOL is also prepared to conduct its DDR sensitisation programme in both locations. Besides travelling to villages and towns to explain to the local populations the work of CIVPOL and ONUCI, the programme entails assisting CNDDR with reaching out to communities on DDR issues with the assistance of community leaders.

8. The President of the CNDDR has indicated that he is pursuing several sources of funding, including from the national treasury to meet the shortfall caused by the suspension of World Bank funding. He also indicated that once the DDR programme was finalized, CNDDR would prepare a chart displaying the various steps of the process with deadlines for public dissemination. The French Government has pledged a contribution through the UNDP of one Million Euros with immediate effect to be used to cover the following requirements: i) the safety net for 1,100 demobilised combatants in the entire Eastern region; ii) the repatriation of foreign combatants; and iii) equipment and staff.

9. Among the decisions taken at that meeting on 6 October 2004, was a request by FANCI and FAFN to meet with the Head of State before 15 October to discuss matters relating to the political situation in the country and to review the DDR preparations. President Gbagbo accepted the

invitation for 11 October in Yamoussoukro. He enlarged the forum of discussion and extended the invitation to the following: Prime Minister Seydou Diarra and the members of the Government of National Reconciliation; two representatives each of the ten Ivorian signatories of the Accra III Agreement; the President of the CNDDR; the General Coordinator and the Secretary General of the Comité National de Pilotage du Redéploiement de l'Administration (CNPRA); the Force Commanders of ONUCI and LICORNE and the Commissioner of CIVPOL.

10. At the meeting of 11 October 2004, FANCI and FAFN reaffirmed their strong commitment to their Joint Declaration of 4 July 2003 on **the end of the war** and exhorted the political class to follow their example. Significant among their other concerns were their calls for installing a climate of confidence to defuse anxieties among the general population over their personal security and property; the restructuring of the National armed forces to integrate elements of the armed wing of the Forces Nouvelles; and measures to address the overall economic decline aggravated by tensions generated over the 15 October deadline.

11. President Gbagbo addressed the Nation on 12 October 2004, on the status of the implementation of the Accra III Agreement, particularly in relation to the impending deadline for the start-up of DDR. He stated that he intended to submit to the National Assembly for consideration all the relevant texts of legislation envisaged under the Linas-Marcoussis Agreement and as agreed under the Accra III Agreement. As regards the amendment to Article 35, he firmly stated that he would submit that key text of legislation to the National Assembly once DDR commenced. He made clear his position on that text which he intended to have put ultimately to a referendum. He warned against all acts calculated to attack France and the UN, admonishing that "one does not attack those who have come to help". He announced a forum to which all the Ivorian signatories of the Accra III Agreement had been invited. The meeting would respond to the concerns of the military protagonists and identify issues conducive to creating a favourable political environment for the effective start-up of DDR. He appealed fervently to all the political class to rally around the message of the military protagonists to end the war and move forward the peace process.

12. The statement by the President of the Republic has been received differently in various political quarters. The FPI enthusiastically welcomed the statement as vindicating their position, particularly on Article 35. In their view, there can be no precondition to disarmament. The National Assembly would do its duty without the interference of the Executive and Article 35 will be decided in strict conformity with Constitutional procedures. The G7 Marcoussistes, on the other hand, believe that disarmament should effectively take place along with the political reforms prescribed under the Linas-Marcoussis Agreement. The Forces Nouvelles stated that there was no question of disarmament starting on 15 October without proceeding action on the adoption of the political reforms envisaged under the Linas-Marcoussis and Accra III Agreements. It is in vindication of this position that the Forces Nouvelles were conspicuously absent from the meetings called by the President on 11 and 13 October 2004.

13. On 13 October 2004, the French Government through the Spokesperson of the Foreign Ministry issued an official statement in the following terms:

> *"The Ivorian parties pledged at Marcoussis and Accra to see through the process of reconciliation, which includes the implementation of legislative and constitutional reforms in exchange for disarmament. The Marcoussis and Accra Agreements were endorsed by the Security Council.*
>
> *We welcome President Gbagbo's speech on October 12 and in particular his clear commitment to implement the Marcoussis and Accra agreements, lead the country to peace and hold elections as scheduled. We note that he intends all the reforms stipulated in these agreements to be rapidly implemented.*
>
> *Important commitments were made yesterday in Yamoussoukro. We call on all parties to show a sense of responsibility and to implement these essential commitments to guarantee the return to peace".*

14. From the international community, the Heads of Mission of the European Union resident in Abidjan welcomed the address of the President Gbagbo which they saw as an affirmation of his commitment to implement

fully the provisions of the Linas-Marcoussis and Accra III Agreements. They expressed satisfaction particularly over the initiative taken by the Head of State which will lead to an amendment of Article 35 in conformity with the powers vested in him by the Constitution and pursuant to the implementation of the provisions of the Linas-Marcoussis Agreement and the Work Programme of the Government of National Reconciliation. The heads of mission of the European Union stated that this initiative is an important step towards the organisation of credible and transparent elections as scheduled. In this regard, they affirmed that the progress in the consultations between FANCI and FAFN are essential to "launch simultaneous processes both at the political level and at the level of disarmament" (*... pour déclencher un processus simultané tant sur le plan politique que sur celui du désarmement ...*).

15. The UN Secretary-General has communicated a statement on the President's address and on the Ivorian situation. The statement reads as follows:

> *"The Secretary-General notes with concern that key deadlines of the Accra III Agreement, for the adoption of legislative reforms, the revision of Article 35 of the Constitution on eligibility to the Presidency and the commencement of the disarmament process, have not been met. He has taken note of President Laurent Gbagbo's address to the nation on 12 October 2004, and shares his views that the political crisis should be resolved without further delay. To this end, the Secretary-General urges the political forces in Côte d'Ivoire to ensure the full and unconditional implementation of the Linas-Marcoussis and Accra III Agreements, including constitutional reform and disarmament.*
>
> *The Secretary-General recalls that the Accra III Agreement envisaged the timely adoption of all legal reforms, including the revision of Article 35 of the Constitution on eligibility to the Presidency. In this context, he urges adoption of all legislative reforms without delay, and also appeals to all armed elements, including militias, to commence disarmament at the earliest.*

The Secretary-General welcomes the President's condemnation of all acts of violence against the United Nations Operation in Cote d'Ivoire (UNOCI) and the French forces, which should be unconditionally enforced by all authorities concerned."

16. The meeting convened by the President for 13 October 2004 was inconclusive. The political forces reserved their position to study matters further and come up subsequently with comprehensive responses.

Demonstrations over the DDR

17. Against the background of the foregoing consultations, there were the negative developments generated by various threats and demonstrations in the North against ONUCI and LICORNE forces. On 7 October 2004, demonstrations by civil society organisations took place in Bouake, Korhogo, Seguela and Bouna against the DDR process. On 11 October 2004, in Bouake, demonstrators attempted to burn down one Armoured Personnel Carrier (APC) belonging to the ONUCI Moroccan battalion guarding the BCEAO Bank. Warning shots were fired by both ONUCI and FAFN troops. In another incident, demonstrators attacked the office of the ONUCI military observer team and burned some windows and doors. They also had access to one room where they burned furniture and archives belonging to Cote d'Ivoire Telecom before FAFN intervened to put off the fire. In yet another incident, demonstrators headed for LICORNE logistic base and were deterred by tear gas and warning shots. Two LICORNE soldiers and five demonstrators were injured. Four UN vehicles were damaged. On 11 October 2004, there were peaceful demonstrations in Seguela and Vavoua. Some 3,000 persons were involved in the demonstration at Seguela where a petition was submitted to ONUCI demanding that there should be a revision of Article 35 before the commencement of the DDR. On 13 October, there was a peaceful demonstration in Korhogo. On 15 October, further demonstrations were planned in Korhogo, Bouake and Seguela. All these demonstrations were organised as a reaction to a widespread belief and rumour that the Impartial Forces were going to launch forced disarmament on the Forces Nouvelles.

18. The Secretary-General of the Forces Nouvelles in a protest note to ONUCI has requested an inquiry into the events which took place in Bouake

on 11 October 2004. ONUCI has responded and intends to institute the inquiry.

19. In the South, the Jeunes Patriotes and like-minded militant groups had for sometime launched a campaign threatening violent actions against ONUCI and LICORNE if they did not ensure the start-up of disarmament. It is believed that President Gbagbo's Address to the Nation of 12 October has gone some way to dissuade these militant elements from carrying out their designs.

National Assembly proceedings

20. So much of the political controversy during the period under review has generated from the stalemate in the proceedings of the National Assembly on the key texts of legislation which are required to be passed.

21. Our last report pointed out that the National assembly of Cote d'Ivoire could not meet the deadline of 30 September in adopting the draft texts of legislation envisaged under the Linas-Marcoussis Agreement and as agreed under the Accra III Agreement. Only the draft law on the public funding of political parties and groups and electoral campaigns was adopted during the extraordinary session.

22. The second regular session of the National Assembly for the year 2004 (6 October to 17 December 2004) will effectively start its proceedings on 19 October 2004. According to its agenda, the draft texts of legislation on the Independent Electoral Commission (CEI), and on the Identification of persons and the Right of residence for foreigners will be presented by the Minister of Territorial Administration, Issa Diakite, on 19 and 20 October 2004. The draft text on the Regime governing the Press, to be presented by the Minister of Communication, Guillaume Soro, will be under consideration on 20 and 21 October 2004. As he announced in his message to the Nation on 12 October 2004, President Gbagbo intends to submit, to the National Assembly, the draft text of legislation on the Amendment to Article 35 as soon as disarmament commences.

23. It is, however, not yet known when the draft text of legislation on the Code of Nationality will be resubmitted by the Minister of Justice

after she withdrew it on 24 August 2004. The draft texts on Illegal personal enrichment, on the Status of the Opposition, and on the Regime governing the Radio and Television Media are yet to be discussed by the Government before submission to the National Assembly.

Electoral process

24. In spite of the stalemate caused by the lack of progress in the adoption of the legislative and constitutional reforms, the working group comprising UN agencies and other development partners interested in the electoral process has continued to meet to exchange views on the electoral, identification process and possibilities of assistance from partners.

25. The working group met the visiting UN electoral assessment mission to exchange views on the electoral process. This current mission (13-27 October 2004) is a follow up on their previous mission. The purpose of the mission is to review the technical preparations required for organizing a referendum and the elections of October 2005, the cost implications and the nature and scope of assistance required. A meeting between UN, EU, UK and the Organisation Internationale de la Francophonie (OIF) has been scheduled for 26 October 2004 after consultations with the Office of the Prime Minister.

Extension of public services and redeployment of administration

26. Arrangements have proceeded on course to extend public services and the redeployment of administration in the Forces Nouvelles controlled zones in the North and West. This assignment is the responsibility of the Comite National de Pilotage du Redeploiement de l'Administration (CNPRA) under the general coordination of the Minister for Public Service and Employment. The Minister for Territorial Administration is equally involved.

27. In the period under review and with the start of the school year 2004-2005, the Government has undertaken to pay the salaries of teachers to enable the schools to reopen as well as redeploy administration progressively in certain areas and regions. The exercise entails first the

identification of teachers, calculating the quantum of salaries to be paid and the payment of the requisite salaries. So far, 1,200 teachers have been paid in Bouake and adjoining areas. The exercise, which began on 13 October due to initial obstruction by elements of Forces Nouvelles, continues until 20 October 2004. In the regions of Bouna, Korhogo, Odienne, Man and Seguela, the process of identification, which started on 14 October, will continue through to 19 October. Thereafter, the salaries will be paid. At the request of the Government, ONUCI forces provide security and safe conduct to support the implementation of this exercise.

III. Human rights and Humanitarian assistance developments

28. It is expected that the reports on the two Human Rights inquiries on the events in Korhogo and the events since 19 September 2002 are due to be released after submission by the Office of the High Commissioner for Human Rights in Geneva to the UN Secretary-General.

29. Humanitarian organisations are concerned with the current security situation in the North, which is impeding their activities and the return to normalcy. The current situation initially affected the redeployment of public administration and staff within the health and education sectors. On 11 October, the exercise planned to distribute instalment benefits in Bouake to those — primarily teachers and medical staff — who have returned to their posts in the North, was obstructed by demonstrations. As reported earlier, the exercise resumed on 13 October 2004.

30. Another concern, due to the negative perception of UN's role in disarmament, is the difficulty of access to the Forces Nouvelles controlled zones. Because of the current tensions in the North, humanitarian activities have slowed down and missions have been restricted to those that are absolutely necessary.

IV. Conclusion

31. Stated baldly, the current deadlock over DDR relates to establishing that delicate political balance between delivering on disarmament while guaranteeing the passage of the legislative and constitutional reforms

proposed under the Linas-Marcoussis Agreement and as agreed under the Accra III Agreement. President Gbagbo has made clear his commitment to ensure the passage of all the relevant reforms envisaged under the Linas-Marcoussis Agreement. Critical in this initiative of the President's is how he can steer through the amendment to Article 35 and the October 2005 elections not just anyhow but in consonance with the spirit and understanding of the Linas-Marcoussis and the Accra III Agreements.

32. The present conjuncture constitutes a critical and defining moment in giving a jump-start to a positive dynamic in the peace process. As hinted in the statements of the French Foreign Ministry in Paris and the European Union Heads of Mission in Abidjan, the passage of the legislative and constitutional reforms and the implementation of the DDR must be seen as a "package". As the statement of UN Secretary-General complements it, that package should ensure the "full and unconditional implementation of the provisions of the Linas-Marcoussis and Accra III Agreements, including constitutional reform and disarmament".

33. The African Heads of State and the Secretary-General, in further prodding all Ivorian political actors, should urge them to follow such principles of action in moving forward the peace process.

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Draft resolution

The Security Council,

Noting with regret the resignation of Judge Gilbert Guillaume, taking effect on 11 February 2005,

Noting further that a vacancy in the International Court of Justice for the remainder of the term of office of Judge Gilbert Guillaume will thus occur and must be filled in accordance with the terms of the Statute of the Court,

Noting that, in accordance with article 14 of the Statute, the date of the election to fill the vacancy shall be fixed by the Security Council,

Decides that the election to fill the vacancy shall take place on 15 February 2005 at a meeting of the Security Council and at a meeting of the General Assembly at its fifty-ninth session.

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